

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SHEVAILA L. ALLEN
1319 1/2 W. Manchester Ave
Los Angeles, CA 90044

Pharmacy Technician License No. TCH 34912

Respondent.

Case No. 3087

OAH No. 2007 110290

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 21, 2008.

It is so ORDERED on April 21, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 HEATHER HUA, State Bar No. 223418
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2574
Facsimile: (213) 897-2804

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3087

11 SHEVAILA L. ALLEN
1319 1/2 W. Manchester Ave.
12 Los Angeles, CA 90044

OAH No. 2007110290

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 Pharmacy Technician Registration No. TCH
34912

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Edmund G. Brown Jr., Attorney General of the State of California, and by Heather Hua,
23 Deputy Attorney General.

24 2. Shevaila L. Allen is representing herself in this proceeding and has chosen
25 not to exercise her right to be represented by counsel.

26 3. On or about October 18, 2000, the Board of Pharmacy issued Pharmacy
27 Technician Registration No. TCH 34912 to Shevaila L. Allen (Respondent). The license was in
28 full force and effect at all times relevant to the charges brought in Accusation No. 3087 and will

1 expire on January 31, 2008, unless renewed.

2 JURISDICTION

3 4. Accusation No. 3087 was filed before the Board of Pharmacy (Board) ,
4 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
5 and all other statutorily required documents were properly served on Respondent on September
6 24, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
7 Accusation No. 3087 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations
10 in Accusation No. 3087. Respondent also has carefully read, and understands the effects of this
11 Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the
13 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
14 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
15 the right to present evidence and to testify on her own behalf; the right to the issuance of
16 subpoenas to compel the attendance of witnesses and the production of documents; the right to
17 reconsideration and court review of an adverse decision; and all other rights accorded by the
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
20 each and every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in
23 Accusation No. 3087, agrees that cause exists for discipline and hereby surrenders her Pharmacy
24 Technician Registration License No. TCH 34912 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation she enables the
26 Board to issue an order accepting the surrender of her Pharmacy Technician Registration without
27 further process.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6
7
8
9
10
11

12
13
14

15
16
17

18

19
20
21

22
23
24
25

26
27

28

TOTAL P.05

1 pocket license certificate on or before the effective date of the Decision and Order.

2 16. Respondent understands and agrees that if she ever applies for licensure or
3 petitions for reinstatement in the State of California, the Board shall treat it as a new application
4 for licensure. Respondent must comply with all the laws, regulations and procedures for
5 licensure in effect at the time the application or petition is filed, and all of the charges and
6 allegations contained in Accusation No. 3087 shall be deemed to be true, correct and admitted
7 by Respondent when the Board determines whether to grant or deny the application or petition.

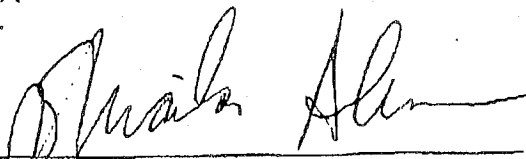
8 17. Pursuant to Business and Professions Code section 4309(a)(1), the parties
9 further agree that Respondent may reapply for reinstatement no sooner than three (3) years from
10 the effective date of this Decision and Order.

11 18. Respondent shall pay the Board its costs of investigation and enforcement
12 in the amount of \$1,974.00 prior to issuance of a new or reinstated license.

13 ACCEPTANCE

14 I have carefully read the Stipulated Surrender of License and Order. I understand
15 the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into
16 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
17 agree to be bound by the Decision and Order of the Board of Pharmacy.

18 DATED: 03.06.08 S.A.

19
20 
21 Shevaila L. Allen
22 Respondent
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DATED: March 6, 2008

MARC D. GREENBAUM
Supervising Deputy Attorney General

Attorneys for Complainant

5

Exhibit A
Accusation No. 3087

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JENNIFER S. CADY
Supervising Deputy Attorney General
3 THOMAS L. RINALDI, State Bar No. 206911
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3087

13 SHEVAILA L. ALLEN
1319 1/2 W. Manchester Ave.
Los Angeles, CA 90044

A C C U S A T I O N

14 Pharmacy Technician Registration
No. TCH 34912

15 Respondent.
16

17 Complainant alleges:

18 PARTIES

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
21 Affairs.

22 2. On or about October 18, 2000, the Board issued Pharmacy Technician
23 Registration No. TCH 34912 to Shevaila L. Allen (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2008, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118, subdivision (b) states:

"The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension; forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

5. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

6. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
3 The board may inquire into the circumstances surrounding the commission of the crime, in order
4 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
5 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
7 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
8 meaning of this provision. The board may take action when the time for appeal has elapsed, or
9 the judgment of conviction has been affirmed on appeal or when an order granting probation is
10 made suspending the imposition of sentence, irrespective of a subsequent order under Section
11 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
12 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
13 or indictment.

14
15 7. Section 490 of the Code states:

16 "A board may suspend or revoke a license on the ground that the licensee has been
17 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
18 of the business or profession for which the license was issued. A conviction within the meaning
19 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
20 contendere. Any action which a board is permitted to take following the establishment of a
21 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
22 been affirmed on appeal, or when an order granting probation is made suspending the imposition
23 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
24 Penal Code."

25 8. California Code of Regulations, title 16, section 1770, states:

26 "For the purpose of denial, suspension, or revocation of a personal or facility
27 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
28 Code, a crime or act shall be considered substantially related to the qualifications, functions or

duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

10. Respondent is subject to disciplinary action under sections 4300, 4301, subdivision (l) as defined in California Code of Regulations, title 16, section 1770, and 490 of the Code, on the grounds of unprofessional conduct, in that on March 8, 2006, Respondent was convicted on a plea of guilty to one felony count of violating Penal Code section 487(a) (grand theft of personal property), in the Superior Court of California, County of Los Angeles, Central Judicial District, Case No. BA282967 in a case entitled *The People of the State of California v. Shevaila Allen*. The circumstances surrounding the conviction are that between January 1, 2002 and July 31, 2004, Respondent unlawfully took money and personal property of a value exceeding Four Hundred Dollars (\$400), to wit: \$104,910.19, the property of the Children's Home Society of California.

SECOND CAUSE FOR DISCIPLINE

(Moral Turpitude, Dishonesty, Fraud or Deceit)

11. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), in that she committed acts of moral turpitude, dishonesty, fraud or deceit, as more fully described in paragraph 10 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

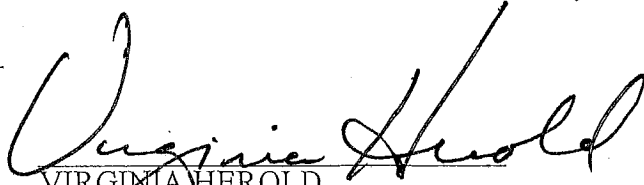
1. Revoking or suspending Pharmacy Technician Registration No. TCH

1 34912, issued to Shevaila L. Allen;

2 2. Ordering Shevaila L. Allen to pay the Board the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3;

5 3. Taking such other and further action as deemed necessary and proper.

6 DATED: 9/12/07

7 
8 VIRGINIA HEROLD
9 Executive Officer
10 Board of Pharmacy
State of California
Complainant

11 LA2007600872
12 60236312.wpd
13 jz/tlr
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28